

0 - Three Branches of Gov unit.notebook

US History

Page 2 and 3 in packet

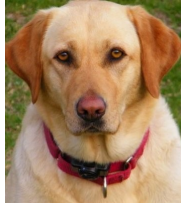
- Legislative branch of the US Government

House.gov

Senate.gov

Google role of US Senate leadership

role of US House leadership



US History & Government

Entrance Task: Listen to this song . . . write how it relates to what you have learned about the US Congress

It Takes Two

Today: The Legislative Branch - a bicameral branch

- Who, what, how

Homework: Create a "help wanted ad" for a member of the US Senator or the House of Representatives

★ Presidential veto

House of Representatives 115th Congress

Title	Leader	Duties
Speaker of the House	Representative Paul Ryan Republican 	Second in line for the US presidency, this position is elected by the House of Representatives and works to set the legislative agenda of the party. Also leads the appointment process for the chairs of the various committees and subcommittees in the House, including conference committees which negotiate final versions of legislation.
Majority Leader	Representative Kevin McCarthy Republican 	Acts as the floor leader and works with the Speaker to coordinate and maintain support for legislation. Also schedules legislation for floor consideration, manages all House committees and chairmen, plans the daily, weekly, and monthly agendas, and works to advance party goals.
Minority Leader	Representative Nancy Pelosi Democrat 	Floor leader and head of the minority party in the House. A contender for the position of Speaker.
Majority Whip	Representative Steve Scalise Republican 	Works with the Speaker & majority leader to coordinate and support legislation. Elected by the party.
Minority Whip	Representative Steny Hoyer Democrat 	Elected by the party, this position is second in line behind the Minority Leader and assists the Minority Leader.

US Senate -115th Congress

Title	Leader	Duties
President of Senate	Vice president Michael Pence Republican 	Presides over ceremonial occasions in the US Senate and more importantly, is able to cast the tie-breaking vote in the case of a tie in the Senate
Senate pro Tempore	Senator Orrin Hatch (UT) Republican 	The second highest ranking position in the Senate, this office is elected by the party in the Senate and is usually the longest serving member in the majority party. This position is third in line for the presidency and presides over the Senate
Majority Leader	Senator Mitch McConnell (KY) Republican 	Elected by the party in the Senate, this officer serves as the chief spokesperson and representative for the party in the Senate and manages and schedules legislative and executive business before the Senate.
Minority Leader	Senator Charles Schumer (NY) Democrat 	Elected by the party in the Senate, this officer is the chief spokesperson and representative for the party (as with Majority Leader)
Majority Whip	Senator Jon Cornyn (TX) Republican 	Elected by the party in the Senate, this officer assists the Majority Leader
Minority Whip	Senator Richard Durbin (IL) Democrat 	Elected by the party in the Senate, this officer assists the Minority Leader

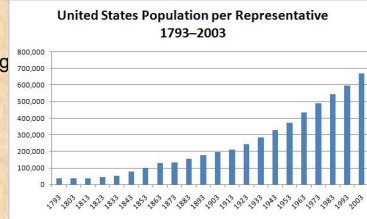
	House of Representatives	Senate
# of Representatives	435	100
Representation	Based on <u>census</u> , adjusted after every census. Currently 1:650,000	<u>Direct election</u> , 2 Senators from each state
Special Powers	<u>Impeach</u> President; propose <u>revenue bills</u>	<u>Convict</u> impeached President; approve <u>presidential nominations</u> ; ratify <u>treaties</u>
Presiding Officer	Speaker of the House: Paul Ryan	President of the Senate: Vice President President Pro Tempore Sen. Orrin Hatch

	House of Representatives	US Senate
Term	<u>2 year terms</u> ; entire House up for re-election every two years	<u>6 year term</u> ; 1/3 of Senate up for re-election every two years
Salary	\$ <u>174,000</u> Speaker: \$ <u>223,500</u> Majority & Minority Leaders: \$193,400	\$174,000 Majority & Minority Leaders: \$ <u>193,400</u>
Constitutional Requirements	<u>25</u> years old; citizen for 7 years	<u>30</u> years old; citizen for 9 years

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-Between 1790 and 1910, the number of seats in the House was increased due to a growing population.

-The size of the House was capped by Congress at **435** seats following the 1910 Census; it can only be increased by an Act of Congress.



Apportionment:

The 435 seats in the United States House of Representatives are redistributed amongst the 50 states every ten years (census).

Redistricting: Each district must have the same amount of people.

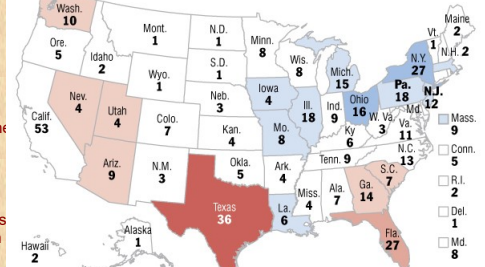
Reapportionment: Think redistricting as a nation rather than a state

House Reapportionment From the 2010 Census

Northeastern states, such as Pennsylvania and New Jersey, and states in the Midwest continued to lose House seats, with gains coming in the South and West.

Change since 2000: +4 seats +2 seats +1 seat No change -1 seat -2 seats

Bold numbers indicate the state's current number of House seats



SOURCE: U.S. Census Bureau

JOHN DUCHESKIE / Staff Artist

US Senate

Charles Schumer - D

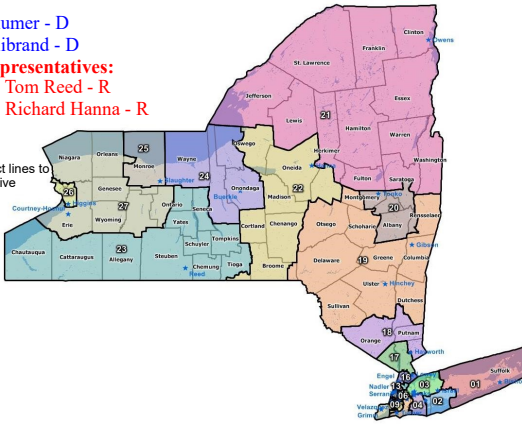
Kirsten Gillibrand - D

House of Representatives:

District 23: Tom Reed - R

District 22: Richard Hanna - R

Gerrymandering:
Redrawing district lines to ensure a supportive populace



Homework

What do you think the qualifications for Congress should be?

Create a "help wanted ad" to advertise for a member of the US Senate or US House of Rep.

Include for Each:

- 1.) Special Powers
- 2.) Terms (Length in Office)
- 3.) Salary
- 4.) Constitutional Requirements (Age and citizenship)
- 5.) Be Creative!

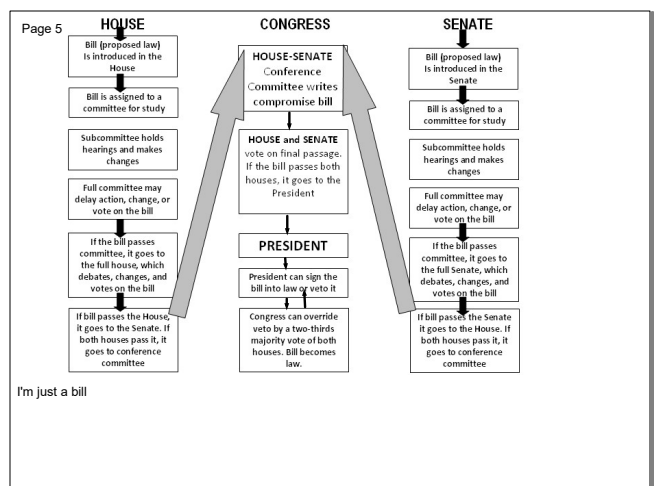
US History

Entrance Task: Prepare for Quiz on The Bill of Rights

Today: How a bill becomes a law

Top 5 best and worst laws ever passed by Congress

Homework: Page 6 in packet



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	Regular vetoes	Pocket vetoes	Total vetoes	Overridden
John F. Kennedy	12	9	21
Lyndon B. Johnson	16	14	30
Richard M. Nixon	26	17	43	7
Gerald R. Ford	48	18	66	12
James Earl Carter	13	18	31	2
Ronald Reagan	39	39	78	9
George H. W. Bush ¹	29	15	44	1
William J. Clinton ²	36	1	37	2
George W. Bush ³	10	10	3
Barack H. Obama ⁴	12	12 1

Video - Presidential vetoes

*No all laws passed by Congress
have been "good" laws*

HOMESTEAD ACT (1862)

In 1862 the Homestead Act was passed, providing 160 acres of public land free to any adult citizen or head of family who had lived on the land for five years. By 1900, 600,000 homesteaders had claimed 80 million acres.

Pros: Populated the Great Plains and allowed for the development of the American agricultural base.

Cons: Displacement of Native Americans and Buffalo. Dry farming practices would lead to the Dust Bowl of the 1930s.

*No all laws passed by Congress
have been "good" laws*

ALIEN AND SEDITION ACTS (1798)

Two laws enacted by the Federalist-controlled U.S. Congress, allegedly in response to the hostile actions of the French Revolutionary government on the seas and in the councils of diplomacy. These acts made it a criminal act to criticize the government and gave the President power to imprison or deport aliens who were suspected of activities posing a threat to the national government.

Pros: Gave more power the national government when we feared we were about to go to war with France.

Cons: Any one ever heard of freedom of speech?

*No all laws passed by Congress
have been "good" laws*

CHINESE EXCLUSION ACT OF 1882

Due to the high influx of Chinese immigrants to the West Coast in the 1880's Congress passed this law, which forbid any Chinese for entering the United States until 1892.

Pros: Stopped the influx of cheap Chinese labor.

Cons: It was a law directed against a specific racial group and it stopped the influx of cheap Chinese labor.

US History

Homework: Page 6

US History & Government

Entrance task: Prepare for quiz on Amendments & bill-to-law

Today: Roles and responsibilities of the President of the USA

Homework: Page 8 in packet using textbook pages 172-174



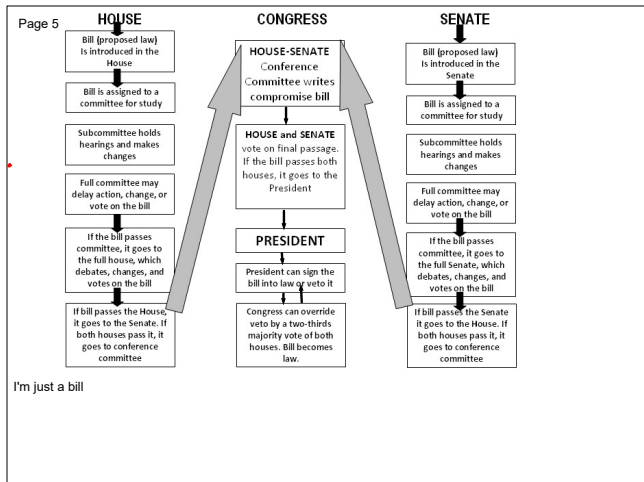
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Questions 1-5 = Amendments

1. Right to a speedy trial by an impartial jury
2. No excessive bail shall be required, nor excessive fines, nor cruel & unusual punishments inflicted.
3. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures.
4. Powers not delegated to the US by the Constitution nor prohibited by the states are reserved to the states or to the people.
5. Congress shall make no law respecting the establishment of religion . . .

Questions 6-8 = True or False

6. All proposals for new laws (bills) may begin in either the House of Representatives or the Senate.
7. Congress may override a presidential veto with a majority vote in each house.
8. All bills are presented to committee for consideration.



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QUESTIONS
Read the description above and study the diagram on the facing page. Then write the answer to each question on the line provided.

1. Bills can be introduced in either house of Congress, with one exception. What is the exception?
Revenue bills must originate in the House
2. When a bill (proposed law) reaches a full committee in the House or Senate, what can the committee do with it? **delay action, change, or vote**
3. Can a committee prevent a bill from being considered by the full House or Senate? **Yes**
4. What is the role of a subcommittee in considering a bill? **hold hearings and make changes and make recommendation to full committee**
5. Suppose that a bill is first introduced in the House. If it passes the House, what happens to it next?
It starts over in the Senate (is introduced if Leader says so)
6. If the Senate makes changes to a bill passed by the House and passes the changed bill, what is the next step?
It goes to a House-Senate Conference Committee and voted on by each house again **Yes**
7. Must a compromise bill be accepted by both houses of Congress? **Yes**
8. If both houses pass a compromise bill, what happens next? **It goes to the President, who can either sign it into law or veto it**
9. What role does the President play in making a bill a law?
The Pres. can sign the bill into law or veto it
10. If the President rejects a bill, what can Congress do? **They can override the veto with a 2/3 majority vote in both houses**

Constitutional Requirements for President & Vice President

True or **False**

1. Age: Each person must be at least 30 years old

2. Citizenship: Must be a US citizen for at least 14 years

3. Term: May serve only two terms for a total of 8 years



True or **False**

4. Religion: All but one of the 43 presidents have been Protestant

5. Race/color: The US has had two African-American presidents

6. Experience: Candidates for US President must have at least 6-years of experience in state or national government

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True or **False**

7. The personal life of a President is of little importance while in office.

8. The President has the ability to influence Congress.

9. The President has the power to declare war.

← 10. The Vice President is also the president of the Senate.

Article II of the Constitution defines the power of the Executive Branch, including the President



- a. Chief Executive – In this role, the President is acting as the **LEADER/HEAD** of the government
- b. Chief Diplomat – In this role, the President is negotiating on behalf of the US with **FOREIGN LEADERS**.
- c. Chief of State – The President is the **POLITICAL** head of the US.
- d. Commander-in-Chief of the Armed Forces – The President is the civilian head of the **ARMED FORCES**
- e. Chief Legislator – The President recommends **POLICY** to Congress.
- f. Chief of the Party – The President is the head of his political party

Packet - page 7

Roles of the President

Can you think of an example of the President as the:

- * Chief Executive?
- * Chief Diplomat?
- * Chief of State?
- * Commander-in-Chief?
- * Chief Legislator?
- * Chief of the Party?



Page 7 in packet - Write your example of three roles

US History & Government

Today: Roles and responsibilities of the President of the USA

Homework: None



US History

Entrance task: Who *really* elects the President?
Prepare for QUIZ!!!

Today: The Electoral College

Homework: Review packet



Quiz- Bill of Rights

1. Freedom to assemble
2. No cruel or unusual punishment
3. Right to trial by jury for civil cases over \$20
4. No quartering troops in peacetime
5. No double jeopardy

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6. All US presidents except one have been Roman Catholic
7. The President has the authority to declare war.
8. The most years that a President may hold office is 10.



Page 8
in packet

Use the copy of Article II (textbook pages 157-160) of the *Constitution* and your knowledge of government to answer the following questions.

1. What are the President's responsibilities? *Article II, Section 3*
The President is responsible for executing (carrying out) the laws passed by Congress
2. How is the number of electors in a state determined?
Article 2, Section 1: Equal to the whole number of senators and representatives which the state may be entitled to
 - a. If New York has 27 members in the House of Representatives, how many electoral votes do we have? 29
3. What replaced Section 1, Clause 3 and why was it replaced?
The 12th Amendment changed the electoral college system so the electors would vote for one set of candidates (president & vice-president) instead of two separate candidates. It was changed after a tie in the 1800 election

4. Who decided the date of Election Day?
Congress- 1792

5. List 6 specific presidential powers:
 - a. *Commander-in-Chief*
 - b. *grant pardons or reprieves*
 - c. *make treaties*
 - d. *Appoint ambassadors and other high officials*
 - e. *fill vacancies when Congress is in recess*
 - f. *veto bills*

6. What is the purpose of the State of the Union address?
Article 2, Section 3: To inform Congress on the state of the Union and recommend measures thought to be necessary.

7. Who besides the president may be impeached?
The vice-president and all civil officers of the US

Page 9

Electoral College System Established in Article II Sec 1

- * Unanimously chose George Washington as President
- * After Washington's retirement, 2 national political parties developed
 - * Democratic-Republicans
 - * Federalists
- * Electors are selected by the state's party & are *supposed* to vote for the candidate they are slated for. There is no legal requirement in many states that obligate electors to do so. (unwritten constitution)

Those who do not are called *Faithless Electors*

- Winner Takes All: If a candidate wins a state's popular vote, that candidate wins all of the state's electoral vote
- 4 Times in American History have candidates who lost the popular vote became president
 - 1824: JQ Adams
 - 1876 Rutherford B. Hayes
 - 1888 Benjamin Harrison
 - 2000 George W. Bush
- In the event of a tie of electoral votes, the House of Representatives votes, with each state having 1 vote

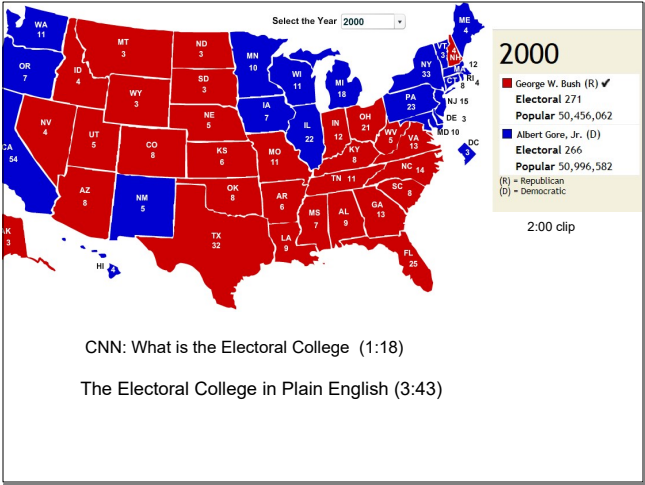
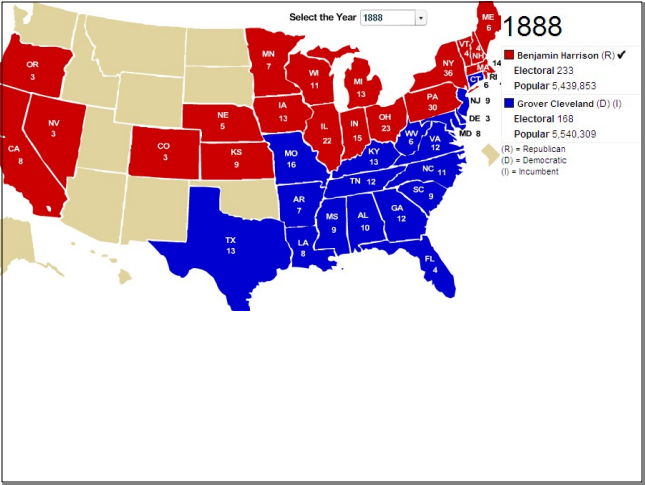
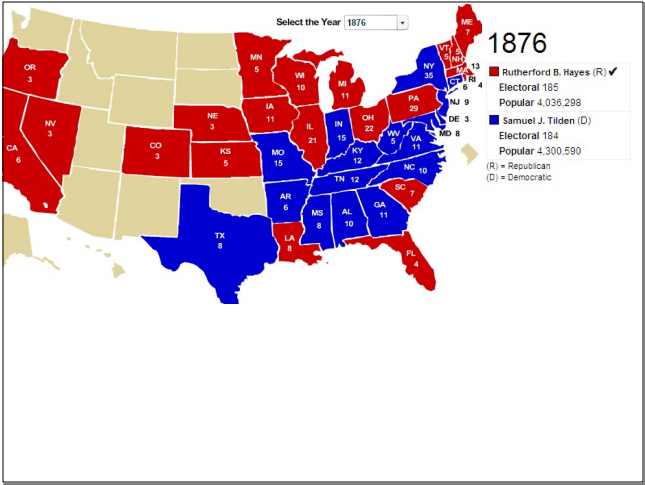
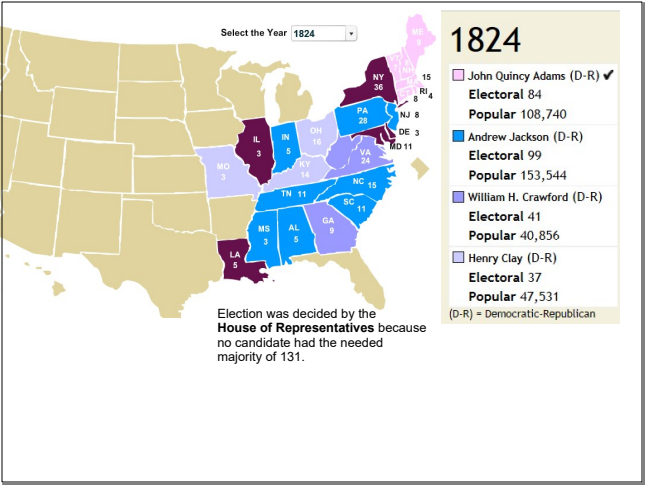
The number of electors in each state is equal to: number of Congressional representatives: # of House members + 2 in Senate

Each state has a minimum of 3 electors

The total number of electors in the country is 538
435 in the House, 100 Senate, 3 for Washington, DC
 $435 + 100 + 3 = 538$

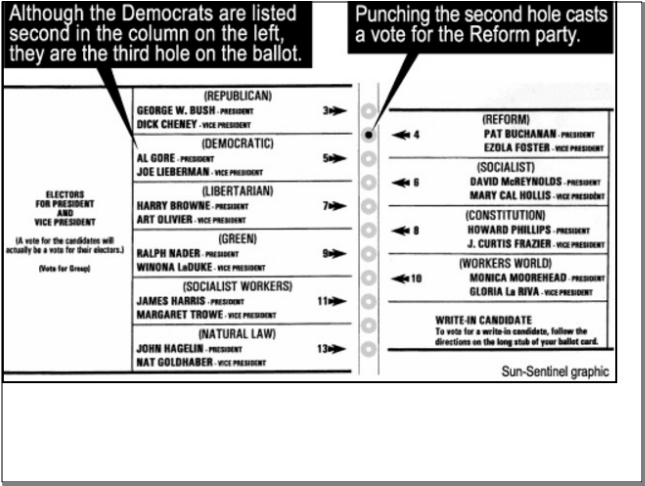
To win, Presidential and Vice-Presidential candidates need: 270

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CNN: What is the Electoral College (1:18)

The Electoral College in Plain English (3:43)



Cons	Pros
<ul style="list-style-type: none">Electoral College system makes the election process a complicated system.The original intent of the Founding Fathers is no longer relevant. They didn't anticipate national political parties or the advanced communications network that brings candidates directly to the electorate.It has the potential of frustrating the popular will of the people.There is a possibility of "faithless electors" who defect from the candidate to whom they are pledged.It is undemocratic when the election is thrown into the House of Representatives.In all but 2 states (Maine & Nebraska) "Winner takes all" is the rule, which leads to voter apathy.Candidates neglect "safe states" in the election campaign.It is an extra expense to the American people which theoretically delays election results.	<ul style="list-style-type: none">Would any other system be better?The Electoral College system has worked.This system maintains a federal systemIt fosters a 2-party system by thwarting splinter parties which could easily throw an election into the House.It democratically supports population centers by giving urban areas more electoral power. This is where most of the voters are.It eliminates the possibility of electing a minority president who would represent the views of a minority of Americans.If presidents were elected by popular vote, they would wage campaigns and advertise all across the nation, rather than concentrating in a handful of battleground states.

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US History

Homework: Review packet



CNN: What is the Electoral College (1:18)

The Electoral College in Plain English (3:43)

US History

Entrance task: Should the US President have advisors who are approved by the people or appointed?

Today: The Presidential Cabinet & the Impeachment

Homework: Page 8 in packet (use textbook)



1. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.
2. In all criminal prosecutions (trials), the accused shall enjoy the right to a speedy and public trial.
3. The right of the people to be secure (safe) in their persons, houses, papers, and effects (belongings) against unreasonable searches and seizures shall not be violated.
4. A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.
5. The government has the power of eminent domain, or the right to take private property for public use.

QUIZ

True or False

6. The winner of the popular vote has always become the President of the US.
7. All states have an equal number of electoral votes
8. Electors are required by law to cast their vote for the candidate who wins their state's majority popular vote.

How the President makes Decisions page 11

Cabinet

The Executive Cabinet
- Group of formal advisors to the President.

Article Two of the Constitution provides that the President can require "the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices." The Constitution did not then establish the names (or list or limit the number) of Cabinet departments; those details were left to the Congress to determine.

How does one get on a Presidential Cabinet?

Nominated by President → Approved by Senate

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What do members of the Cabinet do?

1. Provide advice to the President.
2. Can vote to have the President removed if they feel he is unable to perform his duties (incapacitated).
3. Get in line to become President (Presidential Succession Act of 1947).

- | | |
|--|--|
| 1. Vice President | 10. Secretary of Commerce |
| 2. Speaker of the House | 11. Secretary of Labor |
| 3. President Pro Tempore of the Senate | 12. Secretary of Health and Human Services |
| 4. Secretary of State | 13. Secretary of Housing and Urban Development |
| 5. Secretary of the Treasury | 14. Secretary of Transportation |
| 6. Secretary of Defense | 15. Secretary of Energy |
| 7. Attorney General | 16. Secretary of Education |
| 8. Secretary of the Interior | 17. Secretary of Veterans Affairs |
| 9. Secretary of Agriculture | |

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Cabinet Quiz

Read the following historical examples of Presidential Cabinets. Choose four of the five and draw a symbol or image that represents both the name of the Cabinet and its impact. Do not draw your symbols in a predictable manner and do not use any words or phrases. When you are finished bring your drawings up to me and you will be matched with another student who will attempt to guess what cabinets are represented by your symbols.

Things to know:

1. What is the Executive Cabinet?
 2. What is the appointment process for cabinet members?
 3. What roles do cabinet members play in our government?
- The Executive Cabinet is like a _____ because

Cabinet meeting video - 5:47

QUIZ - What right is protected by each of the following amendments

True or False

1. First Amendment
2. Second Amendment
3. Third Amendment
4. Sixth Amendment
5. Eighth Amendment

6. Cabinet members are chosen and confirmed by the Pres.

7. To become Pres., one can lose the popular vote.

8. Today is Thursday



Impeachment

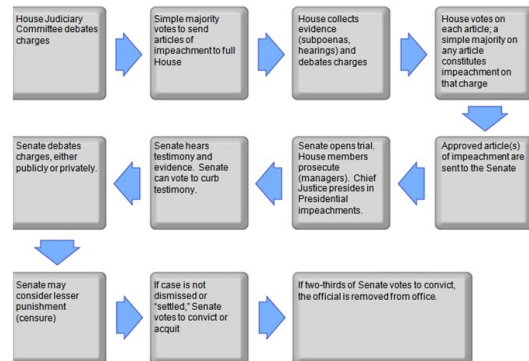
Article II, Section 4

The President, Vice President, and civil officers of the United States shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.



page 14

The Impeachment Process



1. House Judiciary Committee debates the charges brought before the Speaker of the House

2. House Judiciary Committee votes to send or not send Articles of Impeachment to full House of Representatives

3. House collects evidence on each charge & votes on each article. Majority vote needed to continue

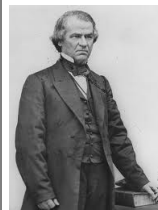
4. Articles of Impeachment are sent to the Senate for to hear debate and testimony. Chief Justice presides, House members prosecute

5. Senate hears evidence & testimony and debates publicly or privately. May consider alternative punishment (censure).

6. Senate votes on articles 2/3 majority needed convict and remove President from office. If convicted, Vice President is sworn into office



Andrew Johnson



1:49 min

House voted to approve Articles of Impeachment

Senate voted 35-19 to convict (one vote shy of a 2/3 majority)



Richard M. Nixon

3:50 min Resignation speech

William J. Clinton



3:50 min. Senate acquittal

House voted to approve Articles of Impeachment
Perjury 45-55 (no)
Obstruction of Justice 50-50 tie
Censure - 56-43 (needed 2/3 majority of 67)

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US History

Exit task: Write a short response to the following statement:

The Presidential impeachment proceedings against (Johnson, Nixon, Clinton) were (justified because . . . unjustified because . . .)



US History

Entrance task: Think: What is the purpose of having laws and a court system in a nation?

Today: The Judicial Branch

Homework: Review your packet



Quiz: What do each of the following amendments address?

True or False

1. 9th Amendment
2. 2nd Amendment
3. 3rd Amendment
4. 6th Amendment
5. 7th Amendment

6. Impeachment of a Pres. must begin in the Senate.
7. Richard Nixon was impeached.
8. Today is Thursday

Purposes of Law

- * Control anti-social behavior
- * Provide process for resolution of disputes
- * Provide social guidance in daily affairs
- * Provide social benefits through public action



Article III. Judicial Branch Section 1. Courts, Terms of Office

The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behavior, and shall, at stated Times, receive for their Services a Compensation which shall not be diminished during their Continuance in Office.



Section. 2. Jurisdiction

The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;--to all Cases affecting Ambassadors, other public Ministers and Consuls;--to all Cases of admiralty and maritime Jurisdiction;--to Controversies to which the United States shall be a Party;--to Controversies between two or more States;-- between a State and Citizens of another State,--between Citizens of different States,--between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.



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In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the Supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the Supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.



The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.



Section. 3 Treason

Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.



Judicial Branch

- Authority from Article III of the Constitution but the nature & structure of the national judicial system was left up to Congress
- Main purpose: to interpret the laws and administer justice
- Consists of a system of federal courts, including the:
 - Supreme Court
 - Court of Appeals
 - District Court



Packet p. 19

Precedent and Tradition have given the Supreme Court the power to decide whether state and federal laws are constitutional

The Supreme Court is comprised of 9 justices with 1 justice serving as Chief Justice

Court Justices receive a salary of \$208,100 while the Chief Justice receives a salary of \$217,400 per year

6 Justices make a quorum & a majority is necessary for a decision

Justices are appointed by the President/approved by the Senate. Approximately 1 in 5 presidential selections to the Court have been rejected by the Senate.



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Members of the Supreme Court

- Appointed by the President
 - Confirmed by the Senate
- Serve until they Die, Resign, Retire or are Impeached



Background of the case

- * 1800 election - Thomas Jefferson defeated incumbent John Adams, a strong Federalist
- * Before leaving office, Adams appointed several Federalist circuit judges and justices of the peace via the Judiciary Act of 1801 - all approved by the Senate

Background of the case

- * Judiciary Act of 1801 modified the Judiciary Act of 1789
 - Established 10 new district courts
 - Increased number of circuit courts from 3 to 6
 - Added additional judges to each circuit
 - Gave the President the authority to appoint Federal judges & justices of the peace to each circuit
 - Reduced the number of Supreme Court justices from six to five

Marbury v Madison

- * When Jefferson took office, he ordered the halt of delivery of the commissions for the new justices (not all had been delivered before Adams' term expired)
- * Jefferson believed the commissions were void since they had not been delivered prior to the end of Adams' term
- * The new Congress overturned the new judiciary act and returned to the 1789 version

Marbury v Madison

- * William Marbury sued Sec. of State James Madison
- * Marbury asked the Supreme Court of the United States to issue a writ of mandamus (a court order that requires an official to perform or refrain from performing a certain duty) to order Madison to deliver the commission
- * The Supreme Court was given that power in the Judiciary Act of 1789

Marbury v Madison

- * Chief Justice John Marshall understands that if the Court awards Marbury a writ of mandamus, President Jefferson would ignore it
- * He also knows if he denies the writ it would appear that the Justices had acted out of fear

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1. Was Marbury legally entitled to the Justice of the Peace commission?

Yes! The appointment was made by the President and confirmed by the Senate

2. Was a Writ of Mandamus the proper remedy to enforce Marbury's right to the commission?

Yes!

3. Could the Supreme Court lawfully and constitutionally issue this writ of mandamus?

No! Although the Judiciary Act of 1789 gave the Court power to issue Writs of Mandamus, the Constitution does not. This act of Congress was in conflict with the Constitution

Homework - Read Marbury v Madison and answer questions on pages 19-20 in your packet

QUIZ

1. What Supreme Court case established the principle of **Judicial Review**?
2. How many justices are supposed to be on the Supreme Court?
3. What Article of the Constitution defines the Judicial Branch.
4. How long is a Supreme Court justice's term?
5. How does one get on the Supreme Court?

6. 6th Amendment
7. 3rd Amendment
8. 8th Amendment

1. What action did Pres. Adams take just before he left office?

He appointed a bunch of new Federalist judges

2. Who was to deliver this commission?

John Marshall, his former Sec. of State and now Chief Justice

3. Why didn't Madison deliver these commissions?

He was ordered by Jefferson not to deliver them

4. Did Jefferson finally allow the judges to take their jobs?

He allowed most of them to take their jobs, but not William Marbury

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5. What did Congress pass in an attempt to give the Supreme Court the power to appoint Marbury?

The Federal Judiciary Act of 1789/1801

6. What dilemma did the Court face with the Marbury case?

If it ruled for Marbury, Jefferson would probably ignore the order
If it ruled against Marbury, it would show the court had given in to political pressure of Jefferson

7. How did the Court address the issue and solve the dilemma at the same time?

The Court said Marbury was legally entitled to the job
The Court order was the proper remedy to enforce Marbury's right to the job
The Judiciary Act was unconstitutional because it went beyond the constitutional authority given to the Court.

8. What impact did the Marbury case have on the power and authority of the Judicial Branch?

Established the concept of Judicial Review

9. How is this case an example of *checks and balances*? Showed that the executive branch must enforce the law and that the legislative branch must work within the confines of the Constitution.

What happens when an Act of Congress

conflicts with the Constitution

Chief Justice John Marshall answered that Acts of Congress that conflict with the Constitution are not law and the Courts are bound instead to follow the Constitution, affirming the principle of judicial review



4:25 min

US History

Entrance task: Think: What is the purpose of having laws and a court system in a nation?

Today: The Judicial Branch

Homework: Review



US History

Entrance task: Think: how might the Chief Justice influence the Supreme Court?



Today: Critique of Supreme Court eras




Homework: - Review for test on Wednesday



Court Title	Impact	Decisions
Marshall Court	Strengthened the power of the national government over the state.	<ul style="list-style-type: none"> • McCulloch v. Maryland (1818)- ruled that a state government could not tax the national government. • Dartmouth v. New Hampshire (1819)- ruled that state governments could not interfere with private contracts. • Gibbons v. Ogden (1824)- ruled that rivers were interstate commerce and therefore under the control of Congress.
Taney Court (1836-1864)	Passed rulings that favored the rights of slave owners.	<ul style="list-style-type: none"> • Prigg v. Pennsylvania (1842)- ruled that "slave catchers" could not be prosecuted by state governments for kidnapping. • Dred Scott v. Sandford (1857)- ruled that slaves had to be returned to their owners even if they ran away into "free states"

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Warren Court (1953-1969) 	Protected the rights of the accused and individual 	<ul style="list-style-type: none">• Brown v. Board of Ed (1954)- ruled that schools could not segregate on the basis of race.• Mapp v. Ohio (1961)- ruled that the police could not use evidence that they had obtained illegally (Exclusionary Rule)• Engel v. Vitale (1962)- ruled that schools could not start the school day with a voluntary, non-denominational prayer.• Gideon v. Wainwright (1963)- ruled that states must provide a lawyer if a person could not afford one.• Miranda v. Arizona (1964)- ruled the police must inform a person of their rights when arrested.• Escobedo v. Illinois (1964)- ruled that the police could not continue questioning an individual after they had asked for a lawyer ("lawyering-up")

Burger Court (1969-1986) 	Mixed decisions on controversial issues 	<ul style="list-style-type: none">• Roe v. Wade (1972)- ruled that states could only completely prohibit abortions in the third trimester of a pregnancy.• Furman v. Texas (1972)- ruled that capital punishment must be fairly and equally administered.• Bakke v. California (1978)- ruled that universities could not reserve seats for minorities but also ruled that race could be a factor when deciding admission.• Planned Parenthood v. Casey (1992)- states could create laws that make abortions more difficult to obtain.• US v. Lopez (1995)- Congress could not regulate institutions in multiple states unless they were clearly engaged in commerce.• Bush v. Gore (2000)- the state legislature has the final say in determining when electoral votes have been counted.
Rehnquist Court (1986-2005) 		

Homework - Review for test on Wednesday

US History & Government

Entrance task: Think: What influences your opinion of things the most: words or images?

Today: Analysis of political cartoons

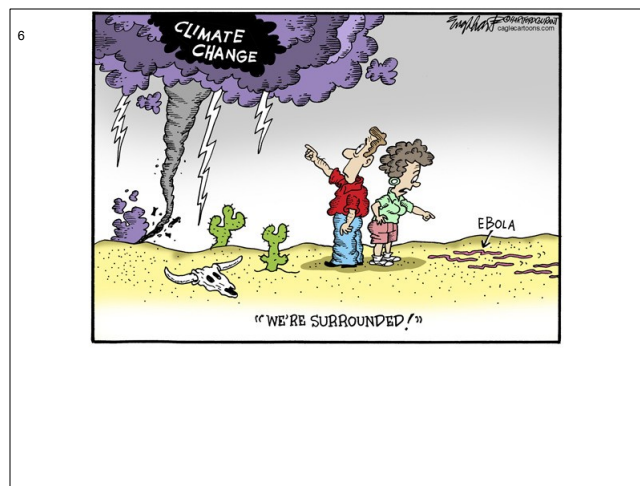
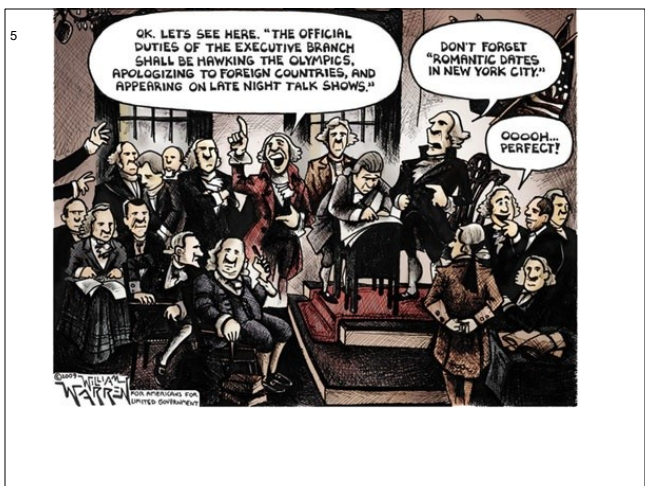
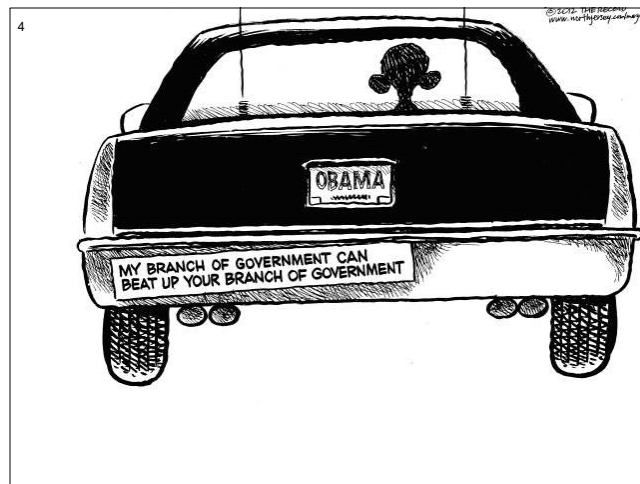
Homework: Review sheet

Cartoon Analysis

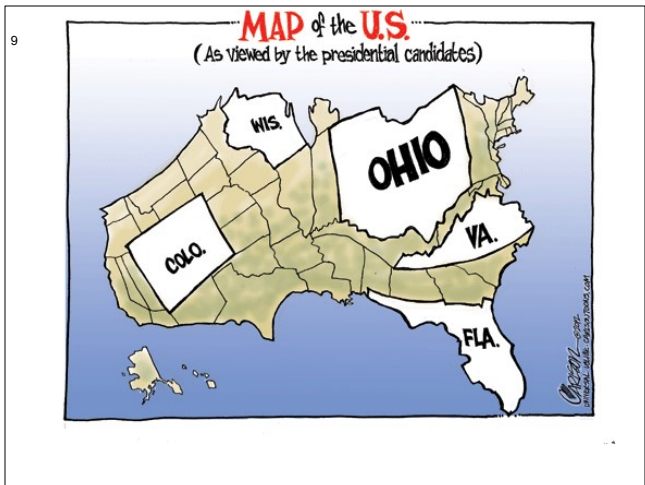
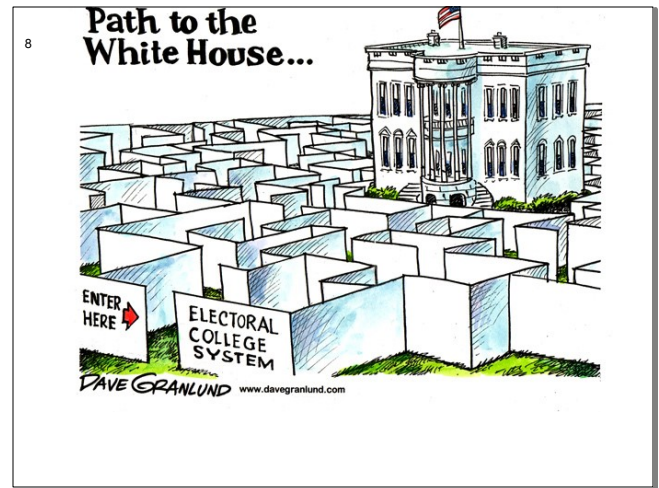
- Who or what topic do the images represent?
- How are they depicted: positively or negatively?
- What parts do you not understand?
- What do you need to know to fully understand the cartoon?
- What statement do you think the cartoonist is trying to make?



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US History & Government

Homework: Review sheet

US History & Government

Entrance task: Get your packet and review sheet out and ready to roll!

Today: What branch of government is the most important?????

Homework: STUDY the Three Branches packet
Test TOMORROW

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1. When it comes to foreign policy, President Obama is acting like Congress doesn't exist (executive branch)
2. Will Congress avoid another government shutdown? (legislative branch)
3. Supreme Court stops use of key part of Voting Rights Act (Judicial branch)

1. Summarize the articles

2. In what ways has the (Legislative, Executive, Judicial) branch expanded its power?

3. In what ways may the other branches of government currently check the power of each branch?

In groups:

Rank the branches of government from most powerful to least powerful and be able to explain why you ranked them in this way

Most _____

Least _____

Three Branches of Government

Article I = Legislative Branch

- * Bicameral
- * 435 in House
- * 100 Senate

Article I = Legislative Branch

- ✓ To pass legislation (laws)
 - ✓ Declare war
 - ✓ Regulate trade
 - ✓ Regulate money
- ✓ Impeach federal officials
- ✓ Override presidential vetoes (2/3 vote in each house is needed)



Harry Reid

- Senate: 6 year terms, minimum age of 30, US citizen for 9 years**
- ✓ Approve presidential nominations to the federal courts (including the Supreme Court, by majority vote)
 - ✓ Approve presidential appointments to federal positions (by a majority vote)
 - ✓ Approve treaties (by a 2/3 vote)
 - ✓ Serve as jury in impeachment trials
 - ✓ Select a Vice-President if the Electoral College fails to hit 270



John Boehner

- House of Representatives: Two year terms, minimum age of 25, US Citizen for 7 years**
- ✓ Originate all spending (\$\$) bills
 - ✓ Serve as prosecution in impeachment trial
 - ✓ Select a President if the Electoral College fails to

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Article II = Executive branch

Chief executive
Chief diplomat
Chief legislator
Chief of state
Commander and Chief



Term = 4 years (max. 2 terms)
Elected by Electoral College



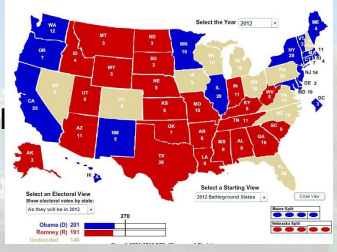
Age = 35 year old minimum
Natural born US citizen

Article II = Executive branch

The Electoral College

538 total
270 to win

State's electors =
state congressional
representation
(House plus
Senate)



Faithless electors

Article III = Judicial Branch

- ✓ Interpret the law
- ✓ Exercise the power of judicial review
- ✓ Chief Justice presides over trials of presidential impeachment



Article III = Judicial Branch

Judicial Review:

- ✓ Determine if laws passed by Congress are allowable by the Constitution
- ✓ Determine if treaties negotiated by the President and approved by the Senate are allowable by the Constitution
- ✓ Determine if actions by the President in enforcing the law are allowable by the Constitution
- ✓ Determine if laws passed by states are allowable by the Constitution

Federal judges are appointed by the president and confirmed by the Senate.
Term = life

Marbury v Madison = judicial review



Article III = Judicial Branch

Supreme Court = the highest court in the land.

9 Justices total
Chief Justice John Roberts



Things to know

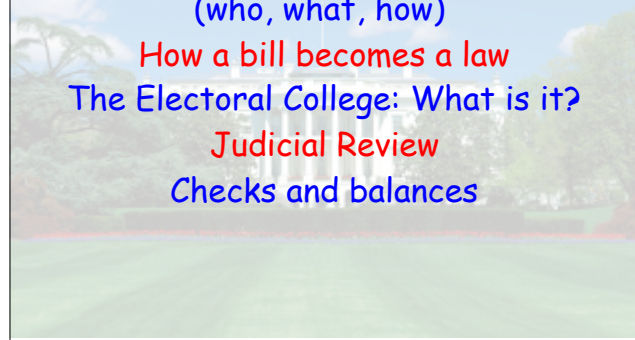
Leadership of the current Congress
(who, what, how)

How a bill becomes a law

The Electoral College: What is it?

Judicial Review

Checks and balances



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Homework: STUDY the Three Branches packet

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